

APPEAL NO. 020072  
FILED FEBRUARY 19, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on December 14, 2001. The hearing officer determined that the appellant (claimant) did not have disability from July 13, 2001, through the date of the CCH. The claimant appealed, arguing essentially that the hearing officer erred in determining disability. The respondent (carrier) filed a response, urging affirmance.

DECISION

We affirm the hearing officer's decision.

The hearing officer did not err in determining that the claimant did not have disability beginning July 13, 2001, and continuing through the date of the CCH. Section 401.011(16) defines disability as the inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wages. The hearing officer described how the observations of the first treating doctor about the claimant's essentially normal movements outside the examining room do not support the claimant's testimony that she was unable to obtain or retain employment at preinjury wages after July 2, 2001.

Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. The trier of fact may believe all, part, or none of the testimony of any witness. Taylor v. Lewis, 553 S.W.2d 153, 161 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.). When reviewing a hearing officer's decision for factual sufficiency of the evidence we will reverse the decision only if it is so contrary to the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard, we find no grounds to reverse the factual finding of the hearing officer concerning disability. The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **LIBERTY INSURANCE CORPORATION** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 N. ST. PAUL STREET  
DALLAS, TEXAS 75201.**

---

Susan M. Kelley  
Appeals Judge

CONCUR:

---

Gary L. Kilgore  
Appeals Judge

---

Robert W. Potts  
Appeals Judge